

 <b>Licensing and Regulatory Committee</b>		<b>Agenda Item No.</b>  <b>3</b>
<b>2 October 2014</b>		
<b>Title</b>	Renewal of a Sex Establishment Licence for Shades Gentleman's Club, 6a High Street, Leamington Spa	
<b>For further information about this report please contact</b>	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	No

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service	19/9/2014	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	17/9/2014	Michael Coker
<b>Consultation &amp; Community Engagement</b>		
N/A		
<b>Final Decision?</b>		Yes
<b>Suggested next steps (if not final decision please set out below)</b>		
N/A		

## 1. **SUMMARY**

- 1.1 An application has been received for the renewal of a Sex Establishment Licence under the Local Government (Miscellaneous Provisions) Act 1982.

## 2. **RECOMMENDATION**

- 2.1 Members are asked to consider this report and to decide whether to grant the renewal of a Sex Establishment Licence to Shades Snooker Club Ltd, and, if so, whether it should be granted with the same conditions.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Section 27 of the Policing and Crime Act 2009 came into force on 6 April 2010. This amended Schedule 3 of the Local Government (Miscellaneous Provisions) 1982 Act to permit the Licensing Authority to licence sexual entertainment venues (SEV's). Following this date the Regulatory Committee recommended to full Council to re-adopt Section 2 and Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- 3.2 Full Council accepted the Committee's recommendation and, after the necessary advertising was complete, adoption took place on the 4<sup>th</sup> October 2010. After the 4 October 2011 (the third appointed day) any premises that did not hold a Sexual Entertainment Licence would not be able to provide adult entertainment, save for 11 times per year, with no more than one event per month.
- 3.3 SEVs include the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act. There were no grandfather rights available within the legislation for existing operators to automatically obtain an SEV licence.
- 3.4 A renewal application was received on 8 August 2014 from Shades Snooker Club Ltd for a SEV licence for Shades Gentleman's Club, 6a High Street Leamington Spa. The application is shown as Appendix 1. The hours applied for are shown below.

From 23:00 to 03:00 on Tuesday to Thursday  
From 23:00 to 04:00 on Friday and Saturday

- 3.5 Shades Snooker Club Limited has held a premises licence with Warwick District Council issued under the Licensing Act 2003 for over six years. The premises licence permits the sale of alcohol and regulated entertainment for the following:

### **Sale of Alcohol for Consumption On the Premises**

*Sunday from 10:00 to 01:00  
Monday to Thursday from 10:00 to 03:00  
Friday and Saturday from 10:00 to 06:00*

### **Sale of Alcohol for Consumption Off the Premises**

*Monday to Sunday from 10:00 to 23:00*

**Plays; Films; Indoor Sporting Events; Live music; Recorded Music, performance of dance and other activities of a similar description. (All indoors)**

*Sunday from 10:00 to 01:00  
Monday to Thursday from 10:00 to 03:00  
Friday and Saturday from 10:00 to 06:00*

*All of the above save for off sales extended on the Sundays that are followed by a Bank Holiday Monday, the hours shall be 10:00 to 03:00 and on the Sundays that are followed by a Bank Holiday Monday, the hours shall be 10:00 to 03:00*

**The opening hours of the premises**

*Sunday from 10:00 to 01:30  
Monday to Thursday from 10:00 to 03:30  
Friday and Saturday from 10:00 to 06:30*

*Extended on the Sundays that are followed by a Bank Holiday Monday, the hours shall be 10:00 to 03:30 and on New Year's Eve hours extended to the end of permitted hours on New Year's Day.*

**No entry permitted:**

*After 12:30 on Sundays  
After 02:30 Monday to Thursday  
After 04:30 on Friday and Saturday*

- 3.6 There are conditions on the current premises licence relating to adult entertainment. These were placed on the licence when the premises licence application was made. At this time entertainment was permitted without a separate licence. The conditions are:
- Full operation of CCTV system and employment of registered door staff.
  - All door supervisors to be SIA registered and badged.
  - Door supervisors to be on duty on every occasion where erotic dancing/adult entertainment is to take place and to start no later than 30 minutes before the entertainment starts until close.
  - At least one door supervisor to be on duty within the vicinity of the activity taking place within the premises, which is in addition to the required door supervisors controlling entrance/exit.
  - Panic buttons to be installed within each private booth and near stage area for the protection of performers.
  - CCTV to include cameras within each private booth and the communal area of unisex toilets.
  - No person under 18 years to be allowed in the premises.
  - Proof of age scheme in use at the premises. No person under 18 years to be allowed in the premises.

- No material to be displayed externally and visible to the general public of an adult nature.
  - No adult entertainment to be visible from outside the premises.
- 3.7 Any conditions placed on the premises licence and the SEV licence should not be conflicting.
- 3.8 Shades Snooker Club Ltd applied for a Sexual Entertainment Venue Licence in November 2010. This application was rejected at a meeting of the council's Regulatory Committee on the 14 June 2011.
- 3.9 An application was also received from Lisa Ransford for a Sexual Entertainment Venue Licence for Shades Gentleman's Club, 6a High Street Leamington Spa in December 2011. This application was rejected at a meeting of the council's Regulatory Committee on the 15 March 2012. Following this an application was received on 22 June 2012 and granted by the Regulatory Committee on the 13 August 2012.
- 3.10 An application for the renewal of the SEV licence was received on 8 August 2013 and on 14 October 2013 the Regulatory Committee granted the renewal of the licence.
- 3.11 The current Sex Establishment Licence along with the conditions attached to this licence is attached as appendix 2.
- 3.12 The Licensing Department has received no complaints in relation to Shades Gentleman's Club and Street Marshalls employed by Warwick District Council are required to spend very little time assisting the premises. There have also been no Multi Agency reported incidents in the past 12 months and Warwickshire Police have not objected to this application.
- 3.13 Warwick District Council Licensing Department has received 183 representations in relation to the renewal application for Shades Gentleman's Club, 6a High Street, Leamington Spa. All of these representations were objections to the renewal being granted.
- 3.14 The objectors have been categorised into local residents (those living within a 15 minute walk of the premises), non-local residents, business owners and other (those who attend the area for work, shopping and religious reasons etc). Some of the objectors fell into more than one of these categories. The objections have been summarised below and copies of the full objections will be available at the hearing.
- 3.15 44 objections received were from local residents. Of these 33 also used the area for shopping, 18 for work, 14 to attend religious ceremonies and 12 for running a business. 12 people also said they would like to visit nightclubs, bars, pubs and other entertainment in old town. Three people live in sheltered housing on High Street/Crown Terrace and one person was elderly/disabled and used the bus stop on High Street. Two people did not visit old town because they did not like the atmosphere. These people objected for the following reasons:
- 36 objected because Old Town is a densely populated and growing residential area with families with young children, elderly people and students all living in close proximity to the sex club.

- 32 objected because Old Town is undergoing significant regeneration, supported by Warwick District Council; the area has been awarded a Mary Portas Grant.
- 28 objected because tourists arriving by train at the grade II listed Leamington Station have to walk into the town near the sex club, which is housed in a rundown building. This is no advertisement for Royal Leamington Spa.
- 24 objected because they do not feel safe at night when there are sexually aroused men in the area.
- 24 objected because they do not like waiting at the bus stop with people smoking outside the sex club.
- 17 objected because they do not feel safe arriving on the late train at Leamington Station.
- 17 objected because people leaving the sex club late at night cause disturbance with rowdy shouting and slamming car doors.
- 14 objected because visitors to the Hindu Temple are shocked to find there is a sex club so close by.
- 7 objected because they have been approached/ had lewd remarks made to them/ followed in Old Town.
- 7 objected because when they attend religious services which go on through the night at the Hindu Temple they do not like going home when there are sexually aroused men in the area.
- 7 people objected because they do not feel comfortable when attending events at the Hindu Community Centre.

Other objections from local residents included the safety of women having to walk past the premises and the risk of verbal comments and behaviour from people using the premises. The proximity to local premises used by children and places of worship and the economic effect of the premises location were also reasons given for objection.

3.16 14 objections received were from non-local residents. Of these 10 also used the area for shopping, four to attend religious ceremonies and two for work. Four people also said they would like to visit nightclubs, bars, pubs and other entertainment in old town and one person was elderly/disabled and used the bus stop on High Street. These people objected for the following reasons:

- 12 people objected because tourists arriving by train at the grade II listed Leamington Station have to walk into the town near the sex club, which is housed in a rundown building. This is no advertisement for Royal Leamington Spa.
- 8 objected because they do not feel safe arriving on the late train at Leamington Station.
- 7 objected because they do not like waiting at the bus stop with people smoking outside the sex club.
- 7 objected because people leaving the sex club late at night cause disturbance with rowdy shouting and slamming car doors.
- 7 objected because Old Town is undergoing significant regeneration, supported by Warwick District Council; the area has been awarded a Mary Portas Grant.
- 6 objected because Old Town is a densely populated and growing residential area with families with young children, elderly people and students all living in close proximity to the sex club.
- 6 objected because visitors to the Hindu Temple are shocked to find there is a sex club so close by.

- 5 objected because they do not feel safe at night when there are sexually aroused men in the area.
- 5 objected because when they attend religious services which go on through the night at the Hindu Temple they do not like going home when there are sexually aroused men in the area.
- 5 people objected because they do not feel comfortable when attending events at the Hindu Community Centre.

3.17 17 objections received were from people who run a business in the area. Of these objectors nine people also used the area for shopping, nine people used the area for work, four people attend religious ceremonies in the area and one person would like to visit nightclub, bars, pubs and other entertainment in Old Town. Two people said they do not visit Old Town because they do not like the atmosphere and one person gave other reasons. These people objected for the following reasons:

- 12 objected because Old Town is a densely populated and growing residential area with families with young children, elderly people and students all living in close proximity to the sex club.
- 11 objected because Old Town is undergoing significant regeneration, supported by Warwick District Council; the area has been awarded a Mary Portas Grant.
- 11 objected because tourists arriving by train at the grade II listed Leamington Station have to walk into the town near the sex club, which is housed in a rundown building. This is no advertisement for Royal Leamington Spa.
- 5 people objected because they do not feel comfortable when attending events at the Hindu Community Centre.
- 5 objected because visitors to the Hindu Temple are shocked to find there is a sex club so close by.
- 3 objected because they do not feel safe at night when there are sexually aroused men in the area.
- 3 objected because when they attend religious services which go on through the night at the Hindu Temple they do not like going home when there are sexually aroused men in the area.
- 2 objected because they have been approached/ had lewd remark made to them/ followed in Old Town.
- 2 objected because people leaving the sex club late at night cause disturbance with rowdy shouting and slamming car doors.
- 1 objected because they do not like waiting at the bus stop with people smoking outside the sex club.
- 1 objected because they do not feel safe arriving on the late train at Leamington Station.
- 1 person also felt that this did not affect them directly.

3.18 107 objections were received from other people. Of these objections 72 used the area for shopping, 34 attend religious ceremonies, 23 would like to visit nightclubs, bars and pubs and other entertainment in Old Town, 16 work in the area and 10 are elderly/disabled and use the bus stop on high street. 11 objectors did not visit Old Town because they do not like the atmosphere.

- 84 objected because Old Town is a densely populated and growing residential area with families with young children, elderly people and students all living in close proximity to the sex club.
- 77 objected because tourists arriving by train at the grade II listed Leamington Station have to walk into the town near the sex club, which

is housed in a rundown building. This is no advertisement for Royal Leamington Spa.

- 54 objected because Old Town is undergoing significant regeneration, supported by Warwick District Council; the area has been awarded a Mary Portas Grant.
- 51 objected because they do not feel safe arriving on the late train at Leamington Station.
- 50 objected because they do not feel safe at night when there are sexually aroused men in the area.
- 40 objected because people leaving the sex club late at night cause disturbance with rowdy shouting and slamming car doors.
- 34 objected because visitors to the Hindu Temple are shocked to find there is a sex club so close by.
- 28 objected because they do not like waiting at the bus stop with people smoking outside the sex club.
- 23 people objected because they do not feel comfortable when attending events at the Hindu Community Centre.
- 20 objected because when they attend religious services which go on through the night at the Hindu Temple they do not like going home when there are sexually aroused men in the area.
- 5 objected because they have been approached/ had lewd remark made to them/ followed in Old Town.

Other objections from any other people include people not using the area because they do not wish to encounter men exiting the sex club in a sexually aroused state, the proximity of residential premises including sheltered housing and accommodation of vulnerable people, the proximity to premises used by young children and places used for religious worship and the proximity to shopping centres and the noise caused from people using the premises and the harmful effect to regeneration.

- 3.19 2 objections were received from Councillors. One Councillor lives in the area and also uses the area for shopping and working. They objected because Old Town is undergoing significant regeneration, supported by Warwick District Council; the area has been awarded a Mary Portas grant and because Old Town is a densely populated and growing residential area with families with young children, elderly people and students all living in close proximity to the sex club. The second objected due to proximity to key local services and its position within a mixed residential area and the venues incompatibility with residential development.
- 3.20 Warwick District Council received 27 late objections in relation to the application. These have not been included in the report, however they will be made available at the hearing.
- 3.21 Any person who has made a representation has been invited to attend the Licensing and Regulatory Hearing. A copy of this letter is attached as appendix 3.
- 3.22 A map of the area is shown as appendix 4 and a plan of the internal area of the premises will be made available at the hearing.
- 3.23 A copy of the Council's policy on sex establishments is attached as appendix 5.
- 3.24 In making their deliberations, the Committee will take into account the application, consider representations that are relevant to the grounds for grant

or refusal of licences as prescribed by law, the council's policy on sex establishments and any potential impact on human rights. Representations that are based solely on religious or moral grounds cannot be considered by the Committee.

- 3.25 Where a renewal is refused, the licence remains in force pending appeal. However there is no right of appeal if the grounds for refusing a renewal application are those set out in para 12 (3) (c) or (d) schedule 3 of the Miscellaneous Provisions Act 1982.

4. **BUDGETARY FRAMEWORK**

- 4.1 Any costs involved in any appeal could be levied against the Licensing Authority.

5. **ALTERNATIVE OPTION(S) CONSIDERED**

- 5.1 No alternatives may be considered

6. **BACKGROUND**

- 6.1 None